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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,329	10/31/2000	Dave Parker	005220.P002	3235

7590 12/29/2006	EXAMINER
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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _10 October 2006_.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-7,9-14,16-18,20-24,26-28 and 42-432_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-7,9-14,16-18,20-24,26-28 and 42-432_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _31 October 2000_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to the arguments filed on October 10, 2006. Claims 1 and 26

have been amended. Claims 1-7, 9-14, 16-18, 20-24, 26-28, 30-33, 42, 43, 45-46 and 48 are

pending. These claims represent a method for monitoring a host.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1.   Claims 1-7, 9-14, 16-18, 20-24, 26-28, 30-33, 42, 43, 45-46 and 48 are rejected under 35

U.S.C. 102(e) as being anticipated by Carleton et al. US Patent Publication No. 2001/0044840.

Carleton teaches the invention as claimed including a method and apparatus for

connecting to a host system and generating notifications (see abstract).

As per claim 1, Carleton teaches a method, comprising:

accessing a port of a host system [client devices being monitored 26a-26c, 32a-32c] and

logging into said host system by a satellite system [client server 22] [log into a device and access

a specific port pp 0049, lines 17-19, pp0050, line 1-3, pp0075,pp092] to monitor an internal

parameter [status and statistics about device operation and specific port operation; line 2 or

paragraph 0050, pp0075, Figure 12] for a predetermined event related to the host system (a

system is monitored by logging on to ports of certain system elements; paragraph 0054, 0062-0070, 0075);

transferring data about the predetermined event from the satellite system to a monitoring operations center [Monitoring and administration system 20] (remote network monitoring system 20; pp 0050)

generating, by a monitoring operations center, a notification upon the occurrence of the predetermined event to a first person in a hierarchy (the business rules define normal functions and notification rules, if a function is not being performed as expected, a notification is sent; paragraph 0053); and

escalating, by the monitoring operations center, the notification to a second person in the hierarchy when the first person fails to acknowledge the notification in a time period (notifications are escalated, as defined by the business rules; paragraph 0009, 0053, 0054, 0079).

As per claim 2, Carleton teaches the method of claim 1, further comprising determining whether the notification is successful (each notification as an acknowledgement flag; paragraph 0053, 0079).

As per claim 3, Carleton teaches the method of claim 1, wherein the predetermined event is receipt of a state change of the internal parameter (the monitoring system checks for state changes of system elements; paragraph 0054).

As per claim 4, Carleton teaches the method of claim 1, wherein the predetermined event is exceeding a threshold value set for the internal parameter (paragraph 0053).

As per claim 5, Carleton teaches the method of claim 1, further comprising generating the notification a number of times for an amount of time (paragraph 0053).

As per claim 6, Carleton teaches the method of claim 5, wherein the number of times, the amount of time, and the time period are configurable (the business rules, which set notification rules can be configured by a user; paragraph 0051 ,0062-0070, 0079).

As per claim 7, Carleton teaches a method comprising:

monitoring a host system for a parameter corresponding to a predetermined event using a satellite system located locally to the host system (paragraph 0049, 0054, 0062-0070, 0080);

queuing data about the predetermined event collected by the satellite system, wherein queuing the data comprises queuing different types of the data in different ones of multiple queues (pp 0084, 0086, 0087);

prioritizing a transferring of the queued data from the multiple queues (0075)

transferring the queued data from the host system to a monitoring operations center (0076);

generating, by the monitoring operations center located remotely from the host system, a notification upon the occurrence of the predetermined event to a first person in a hierarchy (paragraph 0050, 0053); and

escalating, by the monitoring operations center, the notification to a second person in the

hierarchy when the first person fails to acknowledge the notification in a time period (paragraph

0009, 0053, 0054, 0079).

As per claim 9, Carleton teaches the method of claim 1, further

comprising providing a possible cause of the predetermined event occurrence (paragraph 0081)

As per claim 10, Carleton teaches the method of claim 1, where escalation is based on a

set of rules (paragraph 0054, 0062-0070, 0079).

As per claim 11, Carleton teaches the method of claim 10, wherein the

set of rules is based on a time delay between the notification and the acknowledgement

(paragraph 0054, 0079).

As per claim 12, Carleton teaches the method of claim 10, wherein the set of rules is

based on the state change (paragraph 0053, 0079).

As per claim 13, Carleton teaches the method of claim 10, wherein the

set of rules is based on schedules of the first and second persons (paragraph 0053, 0062-0070).

As per claim 14, Carleton teaches the method of claim 1, wherein the notification is generated and escalated automatically (paragraph 0053).

As per claim 16, Carleton teaches the method of claim 1, is further comprising monitoring a service of the host system (paragraph 0054, 0084).

As per claim 17, Carleton teaches the method of claim 1, wherein the parameter is a utilization of a component of the host system (paragraph 0084).

As per claim 18, Carleton teaches the method of claim 17, further comprising:

monitoring additional parameters of the host system, wherein the additional parameters include a service of the host system (paragraph 0084); and

eliminating a redundant notification based on dependent parameters of the host system; paragraph 0080).

As per claim 20, Carleton teaches a machine readable medium having stored thereon instructions, which when executed by a processor, cause the processor to perform the following:

Receiving, by a monitoring operations center data about an occurrence of a predetermined event related to a host system, the occurrence of the predetermined event determined by access of a port of the host system by a satellite system (paragraph 0054, 0062-0070, 0080);

Generating, by the monitoring operations center, a notification upon the occurrence of the predetermined event to a first person in a hierarchy (paragraph 0053) and

Escalating, by the monitoring operations center, the notification to a second person in the hierarchy when the first person fails to acknowledge the notification in a time period (paragraph 0009, 0053, 0054, 0079); and

Providing at least one of a suggestion of a probable cause of the predetermined event and a solution to the occurrence of the predetermined event (pp 0084, line 12-16, pp0085-0087).

As per claim 21, Carleton teaches the machine readable medium of claim 20, wherein the predetermined event is receipt of a state change of the parameter (paragraph 0053, 0079).

As per claim 22, Carleton teaches the machine readable medium of claim 20, wherein the processor further performs generating the notification a number of times for an amount of time (paragraph 0053).

As per claim 23, Carleton teaches the machine readable medium of claim 20, wherein the number of times, the amount of time, and the time period are configurable (paragraph 0051, 0062-0070, 0079).

As per claim 24, Carleton teaches the machine readable medium of claim 20, wherein the processor further performs providing a suggestion as to a cause of the predetermined event occurrence (paragraph 0081).

As per claim 26, Carleton teaches an apparatus, comprising:

means for logging into and monitoring a host system for a parameter corresponding to a

predetermined event; (paragraph 0054, 0062-0070);means for generating a notification upon the

occurrence of the predetermined event to a first person in a hierarchy (paragraph 0053); and

means for escalating the notification to a second person in the hierarchy when the first

person fails to acknowledge the notification in a time period (paragraph 0009, 0053, 0054, 0079).

As per claim 27, Carleton teaches the apparatus of claim 26, further

comprises means for determining whether the notification is successful (paragraph 0053, 0079).

As per claim 28, Carleton teaches the apparatus of claims 26, further

comprising:

means for generating the notification a number of times for an amount of time (paragraph

0053).

As per claim 30, Carleton teaches an apparatus, comprising:

A configuration portal to interface with satellite system over a communication link and

configure a service interleave factor of a host system, wherein the service interleave factor

determines how service checks are interleaved (certain business rules are checked for alarms at

certain times; paragraph 0051, 0054, 0062-0073);

a digital processing system coupled to the portal, the digital processing system to receive

data indicative of an occurrence of the event and generate a first notification (paragraph 0053);

and a notification gateway coupled to the digital processing system to transmit the first

notification to a first communication device, the digital processing system to generate a second

notification to a second communication device if an acknowledgment is not received within a

predetermined time (paragraph 0009, 0053, 0054, 0079).

As per claim 31, Carleton teaches the apparatus of claim 30, wherein the notification

gateway transmits the second notification to the second communication device (paragraph 0049,

0050).

As per claim 32, Carleton teaches the apparatus of claim 30, wherein the digital

processing system comprises a server (paragraph 0049, 0050).

As per claim 33, Carleton teaches the apparatus of claim 30, further comprising a proxy

server coupled to the digital processing system (paragraph 0049, 0050).

As per claims 42 and 45, Carleton teaches the method of claims 1 and 20, wherein

generating further comprises transmitting the occurrence of the predetermined event from the

satellite system to the monitoring operation center (paragraph 0009).

As per claims 43, Carleton teaches the method of claim 7,wherein the parameter of the

host system is monitored by a satellite system, and wherein generating the notification further

comprises transmitting the occurrence of the predetermined event from the satellite system to the

monitoring operations center (pp 0050).

As per claim 46, Carleton teaches the method of claim 1, wherein accessing the port of

the host system to monitor the internal parameter comprises logging into the host system (pp

0054, 0058, 0092).

As per claim 48, Carleton teaches the apparatus of claim 30 wherein the service

interleave factor determines how a plurality of service checks are interleaved (pp 0080-0882).

Response to Arguments

2.   The office notes the following arguments filed October 10, 2006:

   a.   The reference Carleton does not monitor an internal parameter of the computer

26a-26c.

   b.   The reference Carleton does not log into computers 26a-26c.

   c.   There is no disclosure in the reference Carleton of multiple queues or prioritizing

the transfer of queue data from multiple queues.

   d.   The reference Carleton does not disclose providing a suggestion of a probable

cause of a predetermined event.

e.   The Office Action fails to demonstrate where in Carleton interleave factors are

disclosed, and Applicant requests a clarifying explanation as to how the quoted material

can be construed as an interleave factor.

3.   In response to:

(a) Carleton teaches that a client server [22] collects status and statistics about device

operation in the client network. The client server 22 is connected to various client

devices 26a-26c and 32a-32c. The client server transmits this information to the

monitoring and administration system 20. The alarms generated for a device are about

the device itself and all the port associated with the device, as taught in paragraph 0075.

Specific device (26a-26c) information, such as level of port activity are monitored by the

system. These are internal parameters of the host system.

(b) The systems are connected to the devices via the network (pp 0049, lines 17-19 and

pp 0050, lines 1-3). Information is required about the users which are to be allowed to

access to system information concerning the network being monitored (pp0058). Each

prospective user is required to log into the system prior to gaining access to the network

information (pp0058). Once the user logs on to the system, that user had access to all the

regions and devices on the network that it is allowed to access (pp0060). See also

pp0092.

(c) On page 16 of the specification of the claimed invention, the Applicant discloses that

queues are used to store and queue different types of data. Paragraph 0075 of the

reference Carleton teaches that the monitoring device receives information about Current

Alarms in devices. In Carleton different alarms are coded differently to generate a

variety of reports, each report relating to a specific alarm. Carleton teaches that one

device is monitored for different business rules. See paragraph 0075. The reference also

teaches that a variety of reports are generated. See paragraph 0087. A number of

additional reports exist within the system and custom reports may be created so that the

administrator is supplied with the information required to properly administer the system.

The custom reports allow the administrator to manage, transfer and manipulate data that

comes in from different ports on the host into different lists. Storing and generating

different types of data based on different alarms teaches the queue of the claimed

invention.

(d) In paragraph 0087, the reference Carleton teaches that the cause of the alarm is

indicated in the report generated by the monitoring system (pp0084, line 12-16).

(e) Interleaving, as understood by the examiner, is arranging data in alternating portions.

In Carleton, checks are performed on devices based on certain business rules. Some of

these checks are done at only specific times. See paragraphs 0062, 0072, 0073. Only

alarms which relate to a certain rule are evaluated. Because not all ports and all rules are

being monitored at all times, Carleton teaches interleave factors.

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time
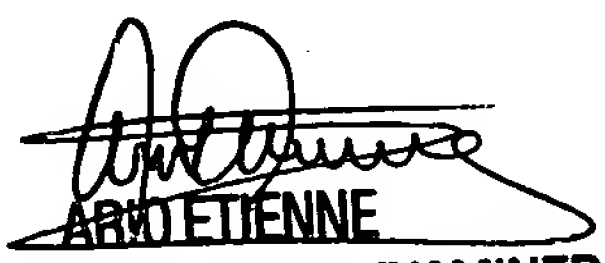
policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Uzma Alam whose telephone number is (571) 272-3995. The

examiner can normally be reached on Monday-Tuesday 5:30 AM - 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Uzma Alam
Ua
December 13, 2006

ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
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